

REMARKS

In the present Office Action, claims 1-18 were pending before the Office. Of these, claims 1, 12, 15, 16, 17, and 18 were the only independent claims.

Claims 1-12 and 14-18 were rejected under 35 U.S.C. § 102. Claim 13 was rejected under 35 U.S.C. § 103.

No claims have been added, amended, canceled, or withdrawn.

A. THE CLAIM REJECTION UNDER 35 U.S.C. § 102 IS CLEARLY NOT PROPER AND IS CLEARLY WITHOUT BASIS AS THE CITED REFERENCE DOES NOT DISCLOSE SELECTING A SECOND WINNING ENTRY... INDICATING A SECOND PIPE OR AN AUTONOMOUS FLOW TO BE SERVICED DURING THE TIME UNIT

Claims 1-12 and 14-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,272,109 to Pei et al. [hereinafter Pei]. For at least the reasons set forth herein, Applicants respectfully traverse this rejection.

Independent claim 1 recites, inter alia, selecting a second winning entry from the plurality of main calendars during the time unit, the second winning entry indicating a second pipe or an autonomous flow to be serviced during the time unit[.]

Independent claim 12 recites, inter alia, select a second winning entry from the plurality of main calendars during the time unit, the second winning entry indicating a second pipe or autonomous flow to be serviced during the time unit[.]

Independent claim 15 recites, inter alia, selecting a second winning entry from the plurality of main calendars during the time unit, the second winning entry indicating a second pipe to be serviced during the time unit[.]

Independent claim 16 recites, inter alia,
selecting a second winning entry from the
plurality of main calendars during the time
unit, the second winning entry indicating an
autonomous flow to be serviced during the
time unit[.]

Independent claim 17 recites, inter alia,
select a second winning entry from the
plurality of main calendars during the time
unit, the second winning entry indicating a
second pipe to be serviced during the time
unit[.]

Independent claim 18 recites, inter alia,
select a second winning entry from the
plurality of main calendars during the time
unit, the second winning entry indicating an
autonomous flow to be serviced during the
time unit[.]

Applicants respectfully submit that the rejection is clearly not proper and is without basis. Specifically, Applicants respectfully submit that *Pei* does not disclose at least the above features, for at least the reasons herein. Accordingly, a *prima facie* case of obviousness has not been established.

On page 16, the Examiner contends that *Pei* discloses identify/select a second entry/content to be serviced from lists in the schedule table during a time, where this time is allocated for a first high priority VCC, but there is no cell ready to send in first high priority VCC (e.g. CBR), the opportunity is passed to high/low priority second VPC, or low priority separate/independent/autonomous VCC of a first VPC.

The Examiner goes on to opine that "applicant is arguing by only looking at FIG. 5 alone..." *Id.* Applicants respectfully disagree.

Applicants note that the Examiner is relying on operations S3, S5, and S11 in conjunction with FIG. 5 for disclosing selecting a second winning entry... indicating a second pipe or an autonomous flow to be serviced during the time unit. However, a review of the cited sections of the specification reveals that those section appear to not explicitly address timing. That is, the citations appear to be silent as to indicating a second pipe or an autonomous flow to be serviced during the time unit. In fact, FIG. 5, which the Examiner also relies upon, each column depicts different time units. Thus, contrary to the Examiner's contentions, Applicants respectfully submit that all of the citations to *Pei* fail to disclose the above features.

Applicants respectfully submit that the rejection is clearly not proper and is without basis. Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

B. THE CLAIM REJECTION UNDER 35 U.S.C. § 103 OF CLAIM 13 IS CLEARLY NOT PROPER AND IS CLEARLY WITHOUT BASIS AS THE SECONDARY CITATION TO LI FAILS TO CURE THE DEFICIENCIES OF THE REJECTION OF INDEPENDENT CLAIM 12 UPON WHICH CLAIM 13 DEPENDS

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pei* in view of U.S. Patent No. 6,560,230 to *Li* [hereinafter *Li*]. For at least the reasons set forth herein, Applicants respectfully traverse this rejection.

Claim 13 depends from independent claim 12. The rejection of independent claim 12 is, as discussed above, clearly not proper and is without basis. Applicants respectfully submit

that *Li* fails to make up for this deficiency. Applicants respectfully submits that the rejection is clearly not proper and is without basis. Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

C. CONCLUSION

Since Applicants assert that all the independent claims are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe a request for extension of time is required but if it is, please accept this paragraph as a request for an extension of time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding this amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,



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